

**Board of Health Public Hearing
January 8, 2004**

PRESENT: David Osler, M.D., Chairman
Arnold Duclersaint, Member
Cecilia Sosa-Patterson, Member
Jack Vondras, Health Department Director
Cesar Pungirum, Tobacco Control Program
Cheryl Sbarra, Massachusetts Association of Health Boards

The hearing was called to order at 4:35 PM.

Dr. Osler announced that the hearing was a forum to hear testimony relative to the "Regulations Affecting Smoking in Certain Places" in the City of Somerville. Cesar Pungirum stated that the proposed changes, if passed, would add private clubs fully in the ban, prohibiting smoking in all public places, all workplaces and all private clubs.

A sign-up sheet was provided for those interested in speaking and a time allotment of 2 minutes was allowed for each testimony.

Jimmy McCarthy asked if there would be open dialog along with the testimony and Dr. Osler reiterated that the Board. would hear testimony only. The speakers were as follows:

1. Michael Sullivan was opposed to the ban in private clubs. He asked the question," What does private mean"? He then went on to explain that members are owners of their clubs and should be able to determine what is good for them. "It should be what members want, not what the bureaucrats want".
2. Eugene Buckley was opposed to the ban in private clubs. He said that he was a member of the V.F.W. for 60 years and that private club members should be allowed to smoke.
3. David McMillan was opposed to the ban in private clubs. He stated that with modern technology such as air purifiers and heat exchangers the equipment should be adequate to provide smoke elimination.
4. Bob Hardy, President of the Allied Council was opposed to the ban in private clubs. He stated that membership was down and that during war time the government supplied cigarettes to active members of the military. He noted that currently there is a community of seven thousand veterans and they should have the prerogative to smoke or not to smoke. He also mentioned that when people smoke outdoors it creates litter from discarded cigarette butts.
5. Jim Aufiero was opposed to the ban in private clubs and represented 60 members of the Dante Club. He stated that the upstairs function room does not allow smoking but the area downstairs is private and members should have a personal choice. He also mentioned that if members were going outside to smoke it could create problems with neighbors. He asked how enforcement would be handled and didn't feel that government officials should be telling members what is good or not good for them.

6. Bob Rasamini, Vice Commander of the V.F.W. was opposed to the ban in private clubs. He asked the question "Is this about health or taking basic rights away from individuals"? He paralleled smoking vs. emissions from trucks, car diesels, etc.
7. Soupy Campbell represented Post 19 and was opposed to the ban in private clubs. He stated that the club has invested \$1200.00 in smoke eaters. He also stated that the only food served is frozen hamburgers and because of the controversy with restaurants they will discontinue serving food at the Post.
8. Kenny Parlee, thirty-year member of the Somerville Fire Dept. and member of the Board of the Somerville City Club spoke against the ban in private clubs. He talked about the financial hardship this ban would bring to the club.
9. Jean Tobin, City Club member stated, "this is a private club and let's leave it like that".
10. Robert Ribeiro, City Club member spoke against the ban and was concerned with the financial hardship this would bring to the club.
11. Feargal O'Toole from "Tir Na Nog" spoke against the ban as a taxpayer. He asked that we please keep people in Somerville as opposed to going to establishments outside the City.
12. Connor Brennan, proprietor of P.J. Ryan's bar talked about the financial hardship the ban is causing. He asked "Why can't the City hold off the ban until the legislature mandates the policy statewide".
13. Jimmy McCarthy, A. L. Post #388, E. Board member spoke against the ban. He asked if the issue was about Health or "Political correctness".
14. Cheryl Sbarra, counsel for Mass. Association of Health Boards spoke in favor of the smoking ban. She explained M.G.L. Chapter 180 and interpreted the relationship between the law and the smoking ban. She also described the issue about private clubs operating as open businesses.
15. Bob King, Commander of the Logan Post spoke against the ban. He noted the declining membership and how the post is a gathering place for vets. He also pointed out the civic consciousness of the organization and the sponsorship of many services to the youth and senior citizens of this community.
16. Aru Manrique, resident spoke in favor of the ban but also stated that he respected the rights of veterans in their private club environment.
17. Patrick Walsh from "Irish Eyes" was against the ban and concerned about Somerville people going to other Cities and Towns because of the ban.
18. John Pranites spoke against the ban and stated he was a Vietnam Vet and likes to smoke.
19. Carl Barillas, 17-year-old Somerville High School student spoke in favor of the ban. He was concerned about second hand smoke in places such as Good Times. He also said private club members should be allowed to smoke.
20. Bob Foss, Post 19 was opposed to the ban and noted civic consciousness relative the youth organization, A.A. and the Walnut St. center. He also stated that no BINGO participants are allowed in private areas of the club.

At the conclusion of testimony Dr. Osler read a letter from Alderman Connolly urging the Board of Health to INCLUDE all private club facilities in the No Smoking requirements currently under review.

Discussion followed from a question raised by the audience as to where notices were posted relative to the December 11, 2003 meeting. Dr. Osler and Jack Vondras assured the audience that all notices were properly posted including cites on the board outside the City Clerk's Office, on the City's Web Site and on the bulletin board outside the Board of Health.

Conor Brennan once again asked the Board to reconsider their vote. He pleaded with the Board to wait six or seven months until the State mandate becomes effective state wide.

The public hearing was adjourned at 5:35 p.m.

At 5:45 the Board of Health continued to meet.

Dr. Osler made a motion to approve the minutes from the November 13, 2003 meeting. It was voted unanimously to accept the minutes as presented.

Dr. Osler made a motion to approve the minutes from the meeting on December 11, 2003. After review Ms. Cecilia Sosa-Patterson requested the following amendments be made to the minutes: (1) Remove the last sentence on page 2, (2) Add the following phrase to the last sentence in paragraph 3 on page 3 - "to add private clubs", and (3) Remove the last sentence in paragraph 6 on page 3. The motion was passed unanimously as amended.

Discussion followed relative to the protocol of the Board entering into Executive Session. Atty. David Shapiro explained that a memo was sent from City Solicitor Lisa Mead detailing the procedure. (See attached). He explained if one of the Board Members has concerns regarding this he/she should call the Chairperson to discuss the matter as to determine whether or not the Law Office is to be consulted. Atty. Shapiro suggested that Board members become familiar with the details of the memo and become generally familiar with the law. This familiarity would then trigger the question as to whether or not counsel would be necessary. He did state at all times feel free to call the Law Office for an opinion.

Cheryl Sbarra interjected that whenever public officials meet all business should be public unless otherwise specified by law.

Meeting adjourned @ 6:20 p.m.

Next meeting is scheduled at 4:30 p.m. on Thursday, February 5.

Respectfully submitted,

Rita VanSteensburg
Administrative Assistant